

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CINDY AVILA, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:04-cv-3384
)	
CNH AMERICA, LLC, et al.,)	
)	
Defendants.)	

**QUALIFIED PROTECTIVE ORDER PURSUANT TO THE
HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT OF 1996**

Pursuant to the parties' joint motion for entry of a qualified protective order (Docket # 420), it is hereby ordered that:

1. The current parties and their attorneys and any future parties and their attorneys to the above-captioned matter are hereby authorized to receive, subpoena, and transmit protected health information ("PHI") pertaining to the plaintiffs listed on Exhibit A attached hereto ("Enumerated Plaintiffs").
2. For purposes of this Order, "PHI" has the same scope and definition as set forth in 45 C.F.R. § 160.103 and § 164.105.
3. All "Covered Entities" (as defined by 45 C.F.R. § 160.103) are hereby authorized to disclose PHI of the Enumerated Plaintiffs to all parties and attorneys now of record in this matter or who may become of record in the future of this litigation, as follows: the PHI that may be disclosed includes health information, including demographic information, which relates to (1) the past, present, or future physical or mental health condition of the individual, (2) the provision of medical or mental health care to the individual, or (3) the payment for medical or

mental health care provided to the individual, and which identifies the individual or could reasonably be expected to identify the individual.

4. The parties and their attorneys shall be permitted to use the PHI of the Enumerated Plaintiffs in any manner that is reasonably necessary for the prosecution or defense of the claims in this action. This includes, but is not limited to, disclosures on an as needed basis to the parties, their attorneys of record, the attorneys' firms (i.e., attorneys, support staff, agents, consultants), the parties' insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process.

5. At the conclusion of this litigation (which shall be defined at the point at which final order disposing of the entire case have been entered, or the time at which all trial and appellate proceedings have been exhausted), any person or entity in possession of PHI pertaining to the Enumerated Plaintiffs (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI in their possession, except those electronic copies created pursuant to standard archival and back-up procedures.

6. All PHI concerning the Enumerated Plaintiffs, whether obtained pursuant to the Qualified Protective Order entered pursuant to this motion or otherwise, shall be subject to the provisions of the Stipulation and Protective Order entered in this action (Filing No. 268), whether or not marked confidential as described in paragraph 4 of that stipulation and order.

7. Within 14 days of receiving all records or other documents obtained pursuant to this Qualified Protective Order, the receiving party shall provide notice of receipt of the records and documents to all other parties. All other parties may request copies of the records and documents, and the receiving party shall promptly provide such copies, with the cost of copying

to be borne by the requesting party. If the receiving party has the records or documents in electronic format, the copy provided to the requesting party shall also be in electronic format.

Dated: February 23, 2009

BY THE COURT

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge

Exhibit A

1. Arp, Charmaine
2. Arp, Daniel (Deceased)
3. Avila, Steven (Deceased)
4. Beason, Marlene
5. Beason, Cody R.
6. Beason, Rocke
7. Bergholz, Paul R.
8. Bergholz, Raymond (Deceased)
9. Bergholz, Sherri
10. Brown, Lorinda
11. Brown, Casey T.
12. Brown, Karley J.
13. Brown, Kelsey K.
14. Brown, Thomas
15. Castleberry, Carol Marie

16. Castleberry, Cody
17. Castleberry, Kelsey
18. Dowd, Mary Jo (Deceased)
19. Edghill, Jeanette
20. Elliott, Frank
21. Elliott, Virginia
22. Eversoll, Robert
23. Fitzgerald, Denny
24. Fitzgerald, Annetta (Deceased)
25. Guerrero, Joanie
26. Guerrero, Jordan
27. Heying, Carol
28. Heying, Eugene (Deceased)
29. Jenkins, Darren
30. Jenkins, Donnette
31. Kohlhof, Michelle
32. Kohlhof, Kali

- 33. Lawrey, Sandra
- 34. Lawrey, William
- 35. Lee, Robert E.
- 36. Levinson, Byron, M.
- 37. Nelson, Jody
- 38. Nelson, Keely
- 39. Nelson, Michael
- 40. Nelson, Zayne
- 41. Pirnie, Patricia Ann
- 42. Pitt, Margaret
- 43. Ressler - Martinez, Kerry
- 44. Rieffel, Julie
- 45. Rookstool, Ted
- 46. Ryan, Patrick
- 47. Schwieger, Donald
- 48. Sonnenfelt, Cecil

49. Sonnenfelt, Letha
50. Svoboda, Gordon
51. Tjaden, Jerrold
52. Tjaden, Linda
53. Tolle, William
54. Wampler, Craig A.
55. Wampler, Donna (Deceased)
56. Whitney, Ashley
57. Wiese, Beatrice (Deceased)
58. Wiese, Jack
59. Wiese, John D. (Deceased)
60. Willis, Richard E.
61. Wobig, Aaron
62. Wobig, Chelsey
63. Zuerlein, George J.
64. Zuerlein, Joel Michael
65. Zuerlein, Joyce A.